

**IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION**

JASON LEE VAN DYKE,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
THOMAS CHRISTOPHER	§	NO. 4:18-CV-247-ALM
RETZLAFF, a/k/a DEAN	§	
ANDERSON, d/b/a BV FILES, VIA	§	
VIEW FILES, L.L.C., and VIAVIEW	§	
FILES,	§	
<i>Defendants</i>	§	

**RETZLAFF'S UNOPPOSED MOTION FOR LEAVE TO FILE LATE RESPONSE TO
VAN DYKE'S MOTION FOR SANCTIONS (DOC. 187)**

I. INTRODUCTION

1. Plaintiff is Jason Van Dyke; defendant is Thomas Retzlaff.
2. This case is set for trial during the period January 4-29, 2021.

II. FACTS PERTINENT TO THIS MOTION

3. On June 29, 2020, Retzlaff filed his motion to sanction Retzlaff. (Doc. 187.) Retzlaff's response to the motion was due for filing within fourteen days from the date Van Dyke's motion was served, or July 13, 2020. Due to a clerical error in calendaring, Retzlaff failed to file his opposition to Van Dyke's motion for sanctions. The Court has not yet ruled on Van Dyke's motion.

4. Retzlaff now asks the Court for leave to file a late response to Van Dyke's motion. Retzlaff's late response is filed contemporaneously with this motion for leave.

III. ARGUMENT & AUTHORITIES

5. Local rules provide a deadline for parties to file a response to a motion. Local Rule CV-7(e). As noted above, Retzlaff's deadline to respond to Van Dyke's motion for sanctions was July 13, 2020. *Id.*

6. "Any party may separately move for an order of this court lengthening or shortening the response period." *Id.* Retzlaff moves for leave to file his response to Van Dyke's motion for sanctions (Doc. 187) on August 17, 2020. Retzlaff's late response is being filed contemporaneously with this motion for leave. Van Dyke is not opposed to this motion for leave.

IV. CONCLUSION & PRAYER

7. For these reasons, Retzlaff respectfully prays the Court to grant this motion allowing Retzlaff to file a late response in opposition to Van Dyke's motion for sanctions on August 17, 2020. Retzlaff prays that the Court grant such other and further relief, at law or in equity, as to which Retzlaff shall show himself justly entitled.

Respectfully submitted,

HANSZEN LAPORTE

By: /s/ Jeffrey L. Dorrell

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ATTORNEYS FOR DEFENDANT TOM RETZLAFF

CERTIFICATE OF CONFERENCE

I hereby certify that on August 14, 2020, I conferred with plaintiff pro se Jason Van Dyke, who advised he was **NOT OPPOSED** to Retzlaff's motion for leave to file a late opposition to Van Dyke's motion for sanctions on August 17, 2020.

/s/ Jeffrey L. Dorrell

JEFFREY L. DORRELL

CERTIFICATE OF SERVICE

I certify that on 8-17, 2020, the foregoing was electronically filed using the Court's CM/ECF filing system, which will provide notice and a copy of this document to the following if a registered ECF filer in the United States District Court for the Eastern District of Texas, Sherman Division.

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